

Ma rtens et al
Serial No. 08/836,075

9, 2001. No new matter has been added. Specific support for the amendments to claim 77 may be found at page 3, line 31 and page 4, lines 1, 3 and 5, of the specification.

Attached is a copy of the Amendment filed July 9, 2001 (along with the undersigned's cover sheet and post card receipt relating to the same); the Supplemental Submission filed June 1, 2001 (along with the PTO 1449 Forms (2 pages), the undersigned's cover sheet and post card receipt relating to the same); the Supplemental Submission filed May 9, 2001 (along with the PTO 1449 Forms (2 pages), the undersigned's cover sheet and post card receipt relating to the same); and the following items filed May 4, 2001: cover sheet, Submission, Exclusive Substitute Power of Attorney, Change of Address Form, Information Disclosure Statement, PTO 1449 Forms (2 pages), as well as a copy of the undersigned's post card receipt from the same.

The attached are being filed herewith as the Examiner indicated to the undersigned in a teleconference on March 15, 2002, that these papers were not contained with the Patent Office copy of the file. The Examiner indicated that copies of the cited references were not required at this time. The undersigned indicated a willingness to file further copies of the cited references upon the Examiner's further request for the same.

The pending claims are believed to be similar to the claims granted in now-withdrawn U.S. Patent No. 6,180,768 (copy of claims attached with copy of 1243 OG 1040 (February 27, 2001) which indicates the patent was not issued).

Maertens t al
Serial No. 08/836,075

The pending claims are submitted to be in condition for allowance and a Notice to that affect is requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



B. J. Sadoff
Reg. No. 36,663

1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

Maert ns t al
S rial N . 08/836,075

MARKED-UP COPY OF AMENDED CLAIMS

75. (Amended) A Hepatitis C virus polynucleic acid, having a nucleotide sequence which is unique to at least one of the new HCV types 7, 9 or 11, or, to at least one of the subtypes [id, le, if] 1d, 1e, 1f, 1g, 2e, 2f, 2g, 2h, 2i, 2k, 2l, 3g, 4k, [41] 4l or 4m, wherein when the sequence is unique to at least subtype [id] 1d the sequence is at least 96% identical to SEQ ID NO: 1; or the complement thereof.

76. (Amended) A polynucleic acid which is selected from the group consisting of

(i) the nucleotide sequences having SEQ ID 1, 3, 5, 7, 9, 11, 13 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 99, 101, 103 or 105,

(ii) a part of said polynucleic acid of (i) which is unique to at least one of the new HCV types 7,9 or 11, or, to at least one of the subtypes 1d, 1e, 1f, 1g, 2e, 2f, 2g, 2h, 2i, 2k, 2l, 3g, 4k, 4l or 4m, wherein when the sequence is unique to at least subtype [id] 1d the sequence is at least 96% identical to SEQ ID NO: 1, and

(iii) the complement of the polynucleic acid of (i) or (ii).

77. (Amended) A polynucleic acid according to claim 75, wherein the polynucleic acid is selected from

(i) a polynucleic acid encoding an HCV polyprotein comprising in its amino acid sequence at least one of the following amino acid residues; I15, C38, V44, A49, P49, Q55, A58, D60, E68 or V68, H70, A71 or Q71 or N71, D72, H81, H101, D106, S110, L130, I134, E135, L140, S148, T150 or E150, Q153, F155, D157, G160, E165, I169, F181, T190, T192 or H192, I193, A195, S196, R197 or N197 or K197, Q199 or D199 or

Ma rt ns t al
Serial N . 08/836,075

H199 or N199, F200 or T200, A208, I213, M216 or S216, N217 or S217 or G217 or K217, T218, I219, A222, Y223, I230, W231 or L231, H232 or A232, Q233, E235 or L235, F236 or [6236] T236, F237, L240 or M240, A242, N249, I250 or K250 or R250, A252 or C252, I255 or V255, D256 or M256, E257, E260 or K260, R261, V268, S272 or R272, I285, F290, A291, A293 or L293, T294 or A294, S295, K296 or [3296] E296, Y297 or M297, I299 or Y299, I300, S301, P316, S2646, A2648, G2649, A2650, V2652, Q2653, H2656, K2663 or [12663] Q2663, A2667 or V1667, D2677, L2681, M2686 or Q2686, A2692 or K2692, H2697, I2707, L2708 or Y2708, A2709, A2719 or M2719, F2727, T2728 or D2728, E2729, F2730 or [72730] Y2730, I2745, V2746 or E2746 or L2746 or K2746, A2748, S2749 or P2749, R2750, E2751, D2752 or N2752 or S2752 or T2752 or V2752 or I2752 or Q2752, D2753 or G2753, D2754, A2755, L2756 or Q2756, R2757, with said notation being composed of a letter representing the amino acid residue by its one-letter code, and a number representing the amino acid numbering as shown in Table 1,

(ii) a part of said polynucleic acid of (i) which is unique to at least one of the new HCV types 7, 9 or 11, or, to at least one of the subtypes 1d, [1e] 1e, 1f, 1g, 2e, 2f, 2g, 2h, 2i, 2k, 2l, 3g, 4k, 4l or 4m, wherein when the sequence is unique to at least subtype [1d] 1d the sequence is at least 96% identical to SEQ ID NO: 1,

(iii) or the complement of the polynucleic acid of (i) or (ii).

78. (Amended) A polynucleic acid according to claim 75, wherein the polynucleic acid is selected from

(i) a polynucleic acid encoding an HCV polyprotein comprising in its amino

Maertens et al
Serial N . 08/836,075

acid sequences at least one amino acid sequence chosen from the group consisting of the amino acid sequences having SEQ ID 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 40, 42, 44, 46, 48, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, [78,] 80, 82, 84, 86, 88, 90, 92, 94, 96, 100, 102, 104 or 106,

(ii) a part of said polynucleic acid of (i) which is unique to at least one of the new HCV types 7, 9 or 11, or, to at least one of the subtypes [id, le,] 1d, 1e, 1f, 1g, 2e, 2f, 2g, 2h, 2i, 2k, 2l, 3g, 4k, 4l or 4m, wherein when the sequence is unique to at least subtype [id] 1d the sequence is at least 96% identical to SEQ ID NO: 1,

(iii) or the complement of the polynucleic acid of (i) or (ii).

79. (Amended) A polynucleic acid according to claim 75, wherein the polynucleic acid is selected from

(i) a polynucleic acid encoding an HCV polyprotein comprising in its amino acid sequence at least one amino acid sequence chosen from the group consisting of the amino acid sequences having SEQ ID 107 to 207,

(ii) a part of said polynucleic acid of (i) which is unique to at least one of the new HCV types 7, 9 or 11, or, to at least one of the subtypes 1d, 1e, 1f, 1g, 2e, 2f, 2g, 2h, 2i, 2k, 2l, 3g, 4k, 4l or 4m, wherein when the sequence is unique to at least subtype [id] 1d the sequence is at least 96% identical to SEQ ID NO: 1,

(iii) or the complement of the polynucleic acid of (ii) or (iii).

85. (Amended) A peptide corresponding to an amino acid sequence encoded by one of the polynucleic acids according to any of claims 75 to 79, with said peptide

Ma rt ns tal
Serial N . 08/836,075

comprising an epitope which is unique to at least one of the new HCV types 7, 9 or 11,
or, to at least one of the subtypes 1d, 1e, 1f, 1g, 2e, 2f, 2g, 2h, 2i, 2k, 2l, 3g, 4k, 4l or
4m, wherein when the sequence is unique to at least subtype [id] 1d the sequence is at
least 96% identical to SEQ ID NO: 1.